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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

WILLIAM NUNZIATA,

Petitioner,  
– against –

**ORDER STAYING PETITION  
TO ALLOW EXHAUSTION**  
07-CV-2421

DARWIN LACLAIRE, SUPERINTENDENT of the  
GREEN MEADOW CORRECTIONAL FACILITY,

Respondent.

X

FEUERSTEIN, J.

Petitioner moves for a stay of the instant proceedings in order to allow him to return to state court to exhaust the claims he raises in his petition for a writ of habeas corpus. The motion is granted.

The Clerk of the Court is directed to administratively close this case unless or until either of the parties moves to restore the matter.

**Petitioner is cautioned that he may be barred from reopening his federal habeas petition on statute of limitations or other grounds if he delays in initiating collateral proceedings in state court or if, having been denied relief in state court, he delays in seeking to reopen these federal proceedings.** The United States Court of Appeals for the Second Circuit has found that thirty (30) days is a reasonable period of time to both initiate state collateral proceedings and to reopen federal proceedings following a state court decision. See Zarvela v. Artuz, 254 F.3d 374, 380–81 (2d Cir. 2001).

Respondent may move, on notice to Petitioner, to vacate the entered stay and to dismiss

the petition for failure to prosecute or on other grounds.

IT IS SO ORDERED.

X  
Sandra J. Feuerstein  
United States District Judge

Dated: August 14, 2007  
Central Islip, New York

Copy to:

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